

## INITIATIVE 645

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copies of Initiative Measure No. 644 and Initiative Measure No. 645 are true and correct copies as they were received by this office.

**Reviser's note:** Multiple initiatives were certified by this certificate. Each is filed as a separate document.

1       AN ACT Relating to the rights of law abiding citizens of a free  
2 state to keep and bear arms; adding a new chapter to Title 9 RCW;  
3 creating a new section; repealing RCW 9.41.045, 9.41.050, 9.41.070,  
4 9.41.075, 9.41.090, 9.41.094, 9.41.097, 9.41.098, 9.41.100, 9.41.110,  
5 9.41.129, 9.41.135, 9.41.190, 9.41.220, 9.41.250, and 9.41.800; and  
6 prescribing penalties.

7       BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

8       NEW SECTION.   **Sec. 1.** This act shall be known and cited as the  
9 Self-defense and Gun-rights Restoration Act.

10       NEW SECTION.   **Sec. 2.** The people find that the right of self-  
11 protection and self-defense, as well as the protection and defense of  
12 one's family, home, property, and liberty, is a natural and fundamental  
13 right of all people; and that the right to acquire, keep, and bear arms  
14 is a necessary and proper extension of that right to self-protection  
15 and self-defense.

16       The people further find that the right to acquire, keep, and bear  
17 arms includes the right of the citizens to decide for themselves, as  
18 free individuals, what type, manner, and quantity of arms best meets

1 their individual needs and their personal ability to provide for their  
2 protection and defense.

3 The people further find that the blessings of liberty secured by  
4 the Constitution of the United States and by the Constitution of the  
5 state of Washington depend upon a free and armed citizenry to remain  
6 secure; that the Second Amendment of the former, and Article I, section  
7 24 of the latter, were ordained by the people specifically to guarantee  
8 that security by prohibiting the government from infringing upon the  
9 individual citizen's rights to keep and bear arms.

10 The people find that the Fifth Amendment of the Constitution of the  
11 United States guarantees that no person shall be deprived of liberty  
12 without due process of law has direct and meaningful application to the  
13 Second Amendment liberty to keep and bear arms.

14 The people now find that over the years the state legislature and  
15 various county and local governing bodies have enacted laws,  
16 regulations, taxes, restrictions, and other burdens upon the right of  
17 the law-abiding adult citizens to acquire, keep, and bear arms; and the  
18 people find that such measures, when they exceed the need of the state  
19 to secure a valid purpose, are in violation of the people's fundamental  
20 rights to self-protection, as well as in violation of the state and  
21 federal constitutions, and are incompatible with the ideals of a free  
22 state. Therefore, the people hereby enact this chapter.

23 NEW SECTION. **Sec. 3.** All laws within the state of Washington or  
24 any political subdivision thereof that make it a criminal offense, or  
25 provide a civil penalty, for an otherwise law-abiding adult citizen to  
26 acquire, keep, or bear arms are hereby repealed, subject to section  
27 8(4) of this act.

28 (1) Nothing in this chapter may be construed to prohibit a sworn  
29 state, county, or municipal peace officer, acting in the course of  
30 duties, from disarming any citizen when the actions, conduct,  
31 condition, or behavior of such citizen poses an immediate threat to the  
32 safety of the public.

33 (2) Nothing in this chapter may be construed to deny the right of  
34 a private property owner to forbid any person or persons from carrying  
35 arms onto privately owned property.

36 NEW SECTION. **Sec. 4.** The right to acquire, keep, and bear arms,  
37 being natural rights, cannot be subject to license or permit

1 requirements. Therefore all laws and regulations within the state of  
2 Washington, or any political subdivision thereof, requiring a license  
3 or permit to acquire, keep, or bear arms by a law-abiding adult citizen  
4 are hereby repealed.

5 NEW SECTION. **Sec. 5.** Laws, regulations, requirements, and  
6 restrictions relating to the issuance of licenses or permits to engage  
7 in the manufacture, transportation, distribution, or sale of arms are  
8 deemed by the people to be burdens and infringements upon the right of  
9 law-abiding adult citizens to acquire, keep, and bear arms; therefore,  
10 all such laws, regulations, requirements, and restrictions relating  
11 specifically to, and pertaining only to, the manufacture,  
12 transportation, distribution, or sale of arms or ammunition within the  
13 state of Washington or any political subdivision thereof are hereby  
14 repealed, subject to section 8(4) of this act; except: (1) nothing in  
15 this section may be construed to prohibit the requirement of a standard  
16 business license by a person or persons engaged in a business that  
17 involves either primarily or secondarily the manufacture,  
18 transportation, distribution, or sale of arms or ammunition, when such  
19 standard business license is required of persons engaging in similar  
20 business activities that do not involve arms or ammunition as long as  
21 no special, additional, or extraordinary license, regulation, or  
22 requirement is required of nor imposed upon an applicant for, or the  
23 holder of, a business license on account of the nature of the business  
24 involving the manufacture, transportation, distribution, or sale of  
25 arms or ammunition.  
26 (2) Chapter 70.74 RCW is not affected by this chapter.

27 NEW SECTION. **Sec. 6.** The power to tax being the power to control,  
28 and taxation of a right being a burden and an infringement upon the  
29 free exercise of that right; therefore, within the state of Washington  
30 or any political subdivision thereof, all extraordinary taxes and fees  
31 imposed upon the manufacture, sale, transportation, distribution, or  
32 ownership of arms and ammunition, when such extraordinary taxes and  
33 fees are in addition to, in excess of, or levied at a higher rate than  
34 taxes and fees laid upon the manufacture, sale, transportation,  
35 distribution, or ownership of goods and materials not related to arms  
36 and ammunition, are hereby repealed.

1        NEW SECTION.   **Sec. 7.**   The people find that the Constitution of the  
2   United States' Tenth Amendment reservation of powers by the states has  
3   direct and meaningful application to the right to keep and bear arms.  
4   The people deem federal acts, laws, taxes, fees, regulations, and  
5   restrictions upon the right of law-abiding adult citizens to acquire,  
6   keep, and bear arms to be contrary to the Tenth Amendment of the  
7   Constitution of the United States and contrary to the needs, interests,  
8   and desires of the people of the state of Washington. Therefore, the  
9   people hereby prohibit the enforcement within the state of Washington  
10   of any law, act, tax, fee, regulation, or restriction relating to the  
11   right to acquire, keep, and bear arms, not passed by the people, or by  
12   the legislature, of the state of Washington.

13        (1) Any person or persons who, under color of the law, violates,  
14   denies, interferes with, or infringes upon or abridges; or who  
15   conspires or attempts to violate, deny, interfere with, or infringe  
16   upon or abridge the right of any law-abiding adult citizen within the  
17   state of Washington to acquire, keep, and bear arms is guilty of a  
18   class C felony and subject to other such criminal and civil penalties  
19   as may otherwise be provided by law.

20        (2) For the purposes of this section the term "person or persons"  
21   shall mean every individual including, but not limited to, employees,  
22   officers, agents, or enforcers of local, county, state, federal, and  
23   international governments.

24        NEW SECTION.   **Sec. 8.**   (1) Existing laws prohibiting the possession  
25   of arms by convicted violent felons are not affected by this chapter.

26        (2) Existing laws prohibiting the possession of arms by any  
27   individual deemed by a court of competent jurisdiction to be mentally  
28   deficient, emotionally impaired, or deficient of sound judgment when  
29   such impairment or deficiency renders it dangerous to any person or to  
30   the public at large, for said individual to be in possession of arms,  
31   are not affected by this chapter.

32        (3) Existing laws prohibiting the possession of arms by aliens,  
33   whether their status in this state is legal or illegal, are not  
34   affected by this chapter.

35        (4) Nothing in this chapter may be construed to prohibit a nuisance  
36   abatement action when such action is necessary to preserve the safety  
37   of the general public or to protect life or property.

1        NEW SECTION.    **Sec. 9.**    For the purposes of this chapter the  
2 following definitions shall apply.

3        (1) "Adult" means any person twenty-one years of age or older, or  
4 any person under the age of twenty-one who is accompanied by and under  
5 the immediate supervision of his or her parent or legal guardian; and  
6 any person under the age of twenty-one who is an active member of any  
7 branch of the United States armed forces.

8        (2) "Arms" means any article, item, or implement designed and  
9 intended to be used primarily as a weapon, whether such article, item,  
10 or implement was designed or intended to be used for sport, recreation,  
11 or defense. "Arms" does not mean or include bombs, hand grenades, or  
12 other explosive or incendiary devices.

13        For purposes of this section, the definition of explosives in RCW  
14 70.74.010 shall apply.

15        (3) "Citizen" means everybody who is a citizen of the state of  
16 Washington or a citizen of any one of the fifty states that make up the  
17 union of the United States of America, or the District of Columbia.  
18 "Citizen" does not mean or include any official, agent, officer, or  
19 employee of any local, state, or federal agency, department, or  
20 division when such official, agent, officer, or employee is actually  
21 engaged in the duties or performance of duties of such federal agency,  
22 department, or division. Nothing in this chapter may be construed to  
23 prohibit the possession of arms by any official, agent, officer, or  
24 employee of any local, state, or federal agency, department, or  
25 division when legal authority to possess such arms has been granted by  
26 law.

27        (4) "Law-abiding adult" means any adult who is not engaged in the  
28 commission of a crime or other unlawful activity; and whose actions,  
29 conduct, condition, or behavior does not pose an immediate threat to  
30 the public peace and safety.

31        NEW SECTION.    **Sec. 10.**    (1) The provisions of this chapter are to  
32 be liberally construed to provide the greatest freedom of the citizens  
33 to exercise the rights of self-defense, and to acquire, keep, and bear  
34 arms; and to provide the greatest restriction against governmental  
35 interference, obstruction, or infringement of those rights.

36        (2) All provisions of this chapter shall be self-executing.

(3) In the event a conflict arises between this chapter and any other provisions of law, the intents and purpose of this chapter shall govern.

NEW SECTION. **Sec. 11.** (1) If the constitutionality or the enforceability of any part of this act is questioned at law the questioned part shall remain in full force and effect until such time as that part has been finally adjudged to be contrary to the Constitution of the United States or contrary to the Constitution of the state of Washington.

(2) If any provision of this act is held invalid, the remainder of this act is not affected.

NEW SECTION. **Sec. 12.** The law and justice committees of the senate and the house of representatives shall cause to be prepared such documentation as may be necessary to bring all pertinent provisions of state law into compliance with the intents and purposes of this chapter. Such documentation shall be completed prior to the end of the legislative session next following the enactment of this chapter.

NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(1) RCW 9.41.045 and 1991 c 221 s 1;

(2) RCW 9.41.050 and 1994 sp.s. c 7 s 405, 1982 1st ex.s. c 47 s 3, 1961 c 124 s 4, & 1935 c 172 s 5;

(3)

(4) RCW 9.41.070 and 1994 sp.s. c 7 s 407, 1994 c 190 s 2, 1992 c 168 s 1, & 1990 c 195 s 6;

(5) RCW 9.41.075 and 1994 sp.s. c 7 s 408;

(6) RCW 9.41.090 and 1994 sp.s. c 7 s 410, 1994 c 264 s 1, 1988 c 36 s 2, 1985 c 428 s 4, 1983 c 232 s 4, 1969 ex.s. c 227 s 1, 1961 c 124 s 7, & 1935 c 172 s 9;

(7) RCW 9.41.094 and 1994 sp.s. c 7 s 411;

(8) RCW 9.41.097 and 1994 sp.s. c 7 s 412 & 1983 c 232 s 5;

(9) RCW 9.41.098 and 1994 sp.s. c 7 s 414, 1993 c 243 s 1, 1989 c 222 s 8, & 1988 c 223 s 2;

1       (10) RCW 9.41.100 and 1994 sp.s. c 7 s 415 & 1935 c 172 s 10;  
2       (11) RCW 9.41.110 and 1994 sp.s. c 7 s 416, 1979 c 158 s 2, 1969  
3 ex.s. c 227 s 4, 1963 c 163 s 1, 1961 c 124 s 8, & 1935 s 172 s 11;  
4       (12) RCW 9.41.129 and 1994 sp.s. c 7 s 417;  
5       (13) RCW 9.41.135 and 1994 sp.s. c 7 s 418;  
6       (14) RCW 9.41.190 and 1994 sp.s. c 7 s 420, 1982 1st ex.s. c 47 s  
7 2, & 1933 c 64 s 1;  
8       (15) RCW 9.41.220 and 1994 sp.s. c 7 s 421 & 1933 c 64 s 4;  
9       (16) RCW 9.41.250 and 1994 sp.s. c 7 s 424, 1959 c 143 s 1, 1957 c  
10 93 s 1, 1909 c 249 s 265, 1886 p 81 s 1, & Code 1881 s 929; and  
11       (17) RCW 9.41.800 and 1994 sp.s. c 7 s 430.

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